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SESSIONAL WORKING GROUP OF GOVERNMENTAL EXPERTS ON THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

SUMMARY RECORD OF THE 2nd MEETING

Held at Headquarters, New York,
on Tuesday, 15 April 1986, at 10.30 a.m.

Chairman: Mr. RUIZ-CABAÑAS (Mexico)

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Consideration of reports submitted in accordance with Council resolution 1988 (LX) by States parties to the Covenant concerning rights covered by articles 10 to 12

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The meeting was called to order at 10.55 a.m.

CONSIDERATION OF REPORTS SUBMITTED IN ACCORDANCE WITH COUNCIL RESOLUTION 1988 (LX) BY STATES PARTIES TO THE COVENANT CONCERNING RIGHTS COVERED BY ARTICLES 10 TO 12

Initial report of Venezuela (E/1980/6/Add.38)

1. At the invitation of the Chairman, Miss Pulido (Venezuela) took a place at the table.

2. Miss PULIDO (Venezuela), introducing her country's initial report concerning rights covered by articles 10 to 12 of the Covenant, said that Venezuela had gradually been incorporating improvements in its legislation with regard to the enjoyment and implementation of economic, social and cultural rights. The National Constitution contained specific norms to protect and assist the family as the fundamental nucleus of society. The State had also incorporated into its legal system various special regulations aimed at protecting family rights. Under the Venezuelan Civil Code, both spouses in a marriage were ensured equal rights and responsibilities. The minimum eligible age for marriage was 14 years for women and 16 years for men. Public health care for pregnant women, newborn babies and children was provided by the country's maternity services. In rural areas, such care was given by rural health centres and mobile health units. Family planning, which had begun in 1962, was an official policy of the Ministry of Health and Social Assistance.

3. For children, a series of integrated health, nutrition and education measures had been taken, particularly for marginalized urban and rural children. Child care centres were being provided for working mothers who did not have crèches available to them. In 1985, day care centres attached to the workplace had taken care of over 1,000 children. Certain regulations of the Labour Code protected women against dangerous, unhealthy or heavy work. Pregnant women had the right to take leave six weeks before and six weeks after their confinement, and a legal service had been created to protect working women who had been dismissed illegally because of pregnancy. Legislation was currently being studied which would extend maternity leave.

4. In the past 25 years, demand for housing had accelerated dramatically because of the migration of the rural population to the cities. Moreover, Venezuela had become a centre for immigration from other Latin American countries, a fact which had created additional pressure on housing and services and had led to an increase in unemployment. The Government attached great importance to attenuating the impact of those adverse economic factors on the social rights of the less fortunate population.

5. Despite the aforementioned difficulties, prices had increased by only 12.5 per cent over the past year, less than in previous years, and unemployment had stabilized at 12.9 per cent. In 1983, the infant mortality rate had been 39 per 1,000. There was one hospital bed per 367 inhabitants, one doctor per 831 inhabitants, and life expectancy was 68.9 years. Although there remained much to be done, efforts were being made to extend the rights covered by articles 10 to 12 of the Covenant to the entire national territory.

6. Mr. TEXIER (France) said that the Venezuelan report had, on the whole, been satisfactory. He asked whether the laws regarding family patrimony, referred to in paragraph 1, applied equally to all children, regardless of whether or not they were born out of wedlock. He felt that the regulation which stipulated that every establishment employing more than 30 women had to provide a crèche (referred to in paragraph 3 (m)) was very progressive, and he wished to have more details on the crèches. With regard to the Adoption Act referred to in paragraph 8 (e), he wondered whether the institution of adoption primarily involved Venezuelan citizens, or whether children from other countries were also adopted.

7. He asked for further details of the obligations described in paragraphs 11, 12 and 13 of the report. With regard to the set of norms for consumer protection referred to in paragraph 20, it would be interesting to know more about the functioning of the Consumer Protection Board, the administrative and jurisdictional organ established by the Consumer Protection Act.

8. He expressed appreciation for the efforts of the Government to deal with the housing difficulties occasioned by the rural-urban migration. He would welcome additional information about whether the social housing schemes had resulted in less costly housing for the population. He would also like to know more about the public hospital system, for example, whether it was free of charge for low-income citizens and how it compared in size with the private hospital sector. It would be useful to learn how the Government was dealing with the problem of immigration from other Latin American countries, and to know what rights were guaranteed to foreign workers.

9. Mr. BENDIX (Denmark) said, with respect to article 10, that he wondered whether the Venezuelan Government was considering amending the Labour Act so as to place wage-earners on an equal footiong with salary-earners and whether there were any plans to extend maternity leave to fathers also. He also wished to know what grounds were acceptable, under the Labour Act, for the dismissal of pregnant women and whether employers could be brought to court for wrongful dismissal. He wished to have some details regarding involuntary unemployment under the Compulsory Social Insurance Act, referred to in paragraph 6 of the report.

10. With respect to article 11, he wondered whether the representative of Venezuela could provide some details regarding that country's inflation rate and how it related it to the "undue price increases" referred to in paragraph 9. Paragraph 11 dealt with the responsibility of children to assist their parents and grandparents and he wished to know whether the State assumed any responsibility in that regard.

11. With respect to article 12, the representative of Venezuela had referred to the number of doctors and hospital beds available in the country. He wished to have similar information regarding dentists and asked whether dental care started with school-age children.

12. Mrs. JIMENEZ BUTRAGUEÑO (Spain) asked whether any changes were contemplated in the overly protectionist legislation which seemed to close many areas of employment to women. She also wished to have more information on the NORVEN stamp referred to in paragraph 20 (e) and asked whether commercial firms were involved in the system.

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13. Mr. MRACHKOV (Bulgaria) said that he would have preferred to have had more statistical data in the report itself and more practical information on the implementation of articles 10 to 12 of the Covenant. He agreed with the representative of Venezuela that foreign debt and the current international economic situation could hinder the enjoyment of human rights and he wished to have more information in that regard.

14. With respect to article 10, he wished to have more information on the divorce rate as compared to the marriage rate in order to have a clear idea of the stability of the basic unit of society, namely, the family.

15. He also requested more statistics on the inflationary trends in Venezuela and the extent to which salary increases kept up with the rate of inflation. He also wished to know more about the Consumer Protection Board referred to in paragraph 20 (c) and whether there were any legal guarantees to protect consumers. He requested more information on free medical services and allowances covering public health. If such services were not free, he wished to know what was the maximum cost borne by the Government.

16. Mr. POERSCHKE (German Democratic Republic) said that, where the report referred to certain national legislation, he would have liked to have seen the text of such laws. In other words, he wished to know what was the status of the Covenant within Venezuela's legal system and whether it could be invoked in court by someone who felt that his or her economic, social or cultural rights had been violated. He also wondered whether there was any difference between the legal status of nationals and that of non-nationals.

17. It would have been helpful if the reference in paragraph 14 to the 1961 Family Protection Act had been accompanied by the text of the Venezuelan Civil Code and the 1982 amendment thereto.

18. Paragraph 22 stated that housing must meet certain minimum standards and he wished to know what those standards were and whether there were any programmes to control migration towards already over-populated areas. In addition, he wondered whether the Venezuelan legal system protected tenants against unreasonable rent increases.

19. Mr. YAKOVLEV (Union of Soviet Socialist Republics) welcomed the positive approach of Venezuela in its efforts to strengthen the Covenant and to implement its provisions. That was true of many developing countries, unlike some developed countries, such as the United States, which professed to be in favour of the promotion of human rights, while ignoring the provisions of the Covenant.

20. Venezuelan legislation constituted great progress in ensuring the implementation of social and economic rights and human rights in general. The report indicated the very positive steps taken by the Government in spite of the unfavourable economic situation in the country resulting from the international economic crisis. In that regard, he inquired what impact that crisis had on the implementation of social and economic rights in Venezuela, particularly those provided for under articles 10 to 12 of the Covenant.

(Mr. Yakovlev, USSR)

21. The policies and programmes carried out by the Government in implementating articles 10 to 12 effectively guaranteed the enjoyment of those rights in Venezuela. He did not agree with the opinion put forward by some countries that human rights pertained only to individuals and that Governments had no role to play in ensuring their implementation. Such a view was not in accordance with the provisions of the Covenant. In that connection, he asked how the Government of Venezuela saw the role of the State in developing countries and whether it was at all possible to ensure the enjoyment of social and economic rights without the active assistance of the State. He would welcome further information on how Venezuelan legislation guaranteed equality and prohibited discrimination because of race, sex, language or religion. Paragraph 3 (j) of the report stated that the prior consent of the competent labour inspector was required for the dismissal of pregnant women. The reporting State should explain the grounds for dismissal in such cases. Lastly, he requested additional information on legislation and practical measures to protect children against abuse, neglect and criminal acts.

22. Mrs. KIMATA (Japan) requested the reporting State to provide basic statistics on gross national income, salaries and wages, and the mortality rate. It would be interesting to know what general difficulties arose in implementing articles 10 to 12 of the Covenant. Referring to paragraph 3 (b) of the report, she inquired what percentage of undertakings, businesses and establishments were not covered by the Labour Act of 30 June 1983 and how they differed from those which were.

23. Mr. BEN HAMIDA (Tunisia) said that the report of Venezuela provided much useful information and demonstrated that the Government was making a considerable effort to ensure the implementation of the rights under articles 10 and 12. It was gratifying to note that the Venezuelan Government clearly intended to continue to ensure the effective exercise of human rights in spite of the problems caused by the international economic situation. The legal provisions relating to protection of the family, mothers and children were impressive. In that regard, he requested detailed information on the legal responsibilities of parents in the upbringing of children.

24. The measures taken by Venezuela to ensure that the population was adequately fed were also impressive. Referring to paragraph 20 (a) of the report, he inquired whether the Costs, Prices and Salary Act of 2 July 1984 set forth guidelines to be followed by the various social partners in collective bargaining with regard to salaries or whether it provided that labour relations were a function of the market. Additional information would be appreciated with regard to consumer-protection legislation. In particular, the reporting State should explain the function, composition and powers of the Consumer Protection Board referred to in paragraph 20 (c) of the report. It would also be interesting to know what organ was competent to monitor the legality of the measures and decisions taken by the Board and what recourse consumers had against such measures and decisions.

25. The efforts of the Venezuelan Government to implement the right to physical and mental health for all citizens were commendable. The Working Group would appreciate further information on the policy of Venezuela concerning the use of narcotic drugs, the consumption of psychotropic substances, particularly by young people, and measures taken to eliminate illegal drug trafficking.

26. The CHAIRMAN, speaking as a member of the Working Group, expressed satisfaction at the excellent report submitted by the Government of Venezuela. He requested further information on the extent to which the current economic situation in Venezuela affected the implementation of the provisions of the Covenant for the general population and what impact that situation had on living conditions. The reporting State should also provide information on the objectives and scope of its population policy.

27. Miss Pulido (Venezuela) withdrew.

Initial report of Madagascar (E/1980/6/Add.39)

28. At the invitation of the Chairman, Mr. Rakotozafy (Madagascar) took a place at the table.

29. Mr. Rakotozafy (Madagascar), introducing his country's initial report concerning articles 10 to 12 of the Covenant, said that it tried to define the legal framework established in Madagascar to protect the family, mothers and children, to promote the right of everyone to an adequate standard of living and to safeguard the right of everyone to enjoy the highest standard of physical and mental health.

30. The Malagasy Constitution, promulgated on 31 December 1975, remained the basic text and Title II concerned fundamental rights and duties. His Government had already described the nature of those rights and duties in the reports related to various international human rights instruments, in particular the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination.

31. Article 37 of the Malagasy Constitution dealt with State protection for the family and rights of inheritance. Article 12 of the Constitution obliged the State to remove economic and social obstacles to equality between citizens.

32. The Malagasy Government had established an infrastructure, in particular through the appropriate Departments, for the implementation of those objectives, which accurately reflected the principles set forth in articles 10 to 12 of the Covenant. The courts also played a role in defending those rights.

33. The second report of Madagascar would provide more information on those topics and would include available statistics.

34. The present report was intended primarily to provide an outline of the legal framework governing the areas related to articles 10 to 12. But he wanted to reassure the Group of Experts that the dialogue initiated today would allow that situation to be remedied in the future.

35. The CHAIRMAN said that questions concerning the report of Madagascar would be put at the afternoon meeting.

(The Chairman)

36. At its meeting the previous afternoon, the Bureau had discussed the recommendations the Group might make. All the members of the Bureau had been concerned with the problem raised by Mr. Bendix concerning the expenditure involved in postponing reports. Perhaps a recommendation in the Working Group's report might reflect the desire of members to avoid such expenditure.

37. Some members of the Bureau had criticized the country reports as they were currently submitted. They had thought that States should provide additional information on the difficulties encountered in the implementation of the Covenant.

38. He had requested the Rapporteur, together with the Secretary of the Working Group, to provide a written list of points for discussion and he invited the members of the Group to hand in written suggestions.

The meeting rose at 12.50 p.m.